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LNV Corporation

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

LNV CORPORATION, a Nevada
corporation,

Plaintiff,

v.

DENISE SUBRAMANIAM,

Defendant.

Case No. 3:14-cv-01836-MO

PLAINTIFF'S RESPONSE
MEMORANDUM IN OPPOSITION
TO DEFENDANT'S NOTICE
OF RELATED CASES

Plaintiff LNV Corporation ("LNV") hereby responds to the "Notice of Related Cases" filed by defendant Denise Subramaniam ("Defendant"). For the reasons set forth below, LNV respectfully requests that the Court (1) strike Defendant's "Notice of Related Cases" or, if treated as a motion, that it be denied and (2) deny Defendant's motion to consolidate, to the extent that such a motion has been pleaded within Defendant's "Notice of Related Cases."

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1- PLAINTIFF'S RESPONSE MEMORANDUM
IN OPPOSITION TO DEFENDANT'S NOTICE
OF RELATED CASES

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DISCUSSION

Defendant's latest conspiracy-oriented pleading attempts to provide the Court with notice of several "directly related" cases from this and other jurisdictions and seeks consolidation of these "related cases" for the limited purpose of compelling LNV to produce original notes. Defendant cites a myriad of procedural rules and statutes in support of her pleading — chiefly "RCFC 42.1," "18 U.S. Code § 3663A" and "Federal Rule 40.2(a)(1)" — but these authorities are inapplicable to this case. In the end, Defendant's pleading is nothing more than an illogical recitation of empty allegations intended to promote a theory that has no basis in law or fact.

A. Defendant Has Failed to Articulate a Procedural Basis for Her "Notice"

Defendant purports to file her "Notice of Related Cases" pursuant to "Federal Rule 40.2(a)(1)," yet there is no such rule in the Federal Rules of Civil Procedure, which govern this case. LNV assumes that Defendant is referring to Rule 40.2(a)(1) (related cases) of the Rules of the U.S. Court of Federal Claims, which only govern procedure in that tribunal.¹ Defendant thus has not articulated a procedural basis for her "Notice of Related Cases." For this reason, the "Notice of Related Cases" should be stricken or, if treated as a motion, it should be denied.

B. Defendant Has Failed to Articulate a Procedural Basis for "Consolidation"

Similarly, Defendant seeks to consolidate the "related cases" pursuant to "RCFC 42.1." Here again, there is no such rule in the Federal Rules of Civil Procedure. The Rules of the U.S. Court of Federal Claims include a Rule 42.1 (motions to consolidate) but, as discussed above, those rules are inapplicable in this Court.² Defendant also appears to seek consolidation and/or restitution pursuant to 18 U.S. Code § 3663A, which deals with restitution to victims in criminal

¹ RCFC 40.2 has no counterpart in the Federal Rules of Civil Procedure.

² RCFC 42.1 has no counterpart in the Federal Rules of Civil Procedure.

cases. This case, however, is a civil action and 18 U.S. Code § 3663A is inapplicable. Because Defendant has not articulated a procedural basis for consolidation, her motion should be denied.³

IV. CONCLUSION

LVN requests that the Court (1) strike Defendant's "Notice of Related Cases" or, if treated as a motion, that it be denied and (2) deny Defendant's motion to consolidate, to the extent that such a motion has been pleaded within Defendant's "Notice of Related Cases."

DATED: June 23, 2015

PERKINS COIE LLP

By: /s/ Gabrielle D. Richards

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³ FRCP 42, which governs consolidations generally, applies to multiple actions before one court. However, the "related cases" of which Defendant purports to give notice are not actions pending before this Court and Defendant has not articulated, let alone established, any basis to consolidate the present action with the "related cases." It is also worth noting that one of the "related cases," *Subramaniam v. Beal*, No. 3:12-cv-1681-MO, is one where this Court has dismissed with prejudice all of Defendant's claims as to all defendants.

CERTIFICATE OF SERVICE

I certify that I served the foregoing **PLAINTIFF'S RESPONSE MEMORANDUM IN
OPPOSITION TO DEFENDANT'S NOTICE OF RELATED CASES** on:

Denise Subramaniam
13865 SW Walker Rd.
Beaverton, OR 97005

Defendant

by depositing a copy in the U.S. Mail in a sealed postage-prepaid envelope and deposited with
the United States Postal Service at Portland, Oregon on the date set forth below.

DATED: June 23, 2015

/s/ Gabrielle D. Richards

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Attorneys for Plaintiff
LNV Corporation